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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA AT ANCHORAGE

ENOCH ADAMS, JR., LEROY ADAMS,)
ANDREW KOENIG, JERRY NORTON,)
DAVID SWAN, JOSEPH SWAN,)

Plaintiffs,)

vs.)

TECK COMINCO ALASKA)
INCORPORATED, NORTHWEST ARCTIC)
BOROUGH, NANA REGIONAL)
CORPORATION,)

Defendants.)

Case No: A04-00049 CV (JWS)

STIPULATION ON WRITTEN DISCOVERY IN
KRPC v. TECK COMINCO ALASKA INCORPORATED

BY AND THROUGH THEIR RESPECTIVE COUNSEL OF RECORD, the plaintiffs
Enoch Adams, Jr., *et al.*, the defendant Teck Cominco Alaska Incorporated, and the
defendant-intervenors NANA Regional Corporation and the Northwest Arctic Borough,

enter into the following stipulation in the interests of justice and judicial economy. Given that extensive written discovery was propounded in the case of *Kivalina Relocation Planning Committee v. Teck Cominco Alaska Incorporated*, No. A02-231 CV(JWS) ("KRPC litigation"), the parties hereby stipulate as follows:

1. The written discovery enumerated below, propounded in the KRPC litigation, shall be deemed discovery propounded and produced in this case, subject to the following three limitations:

a. Each objection to a discovery request which is the subject of this stipulation, and which objection was raised in the KRPC litigation, shall be deemed to have also been raised and not waived in this litigation.

b. The parties are not assuming any duty to supplement any responses to the Requests for Production in the KRPC litigation with additional documents that have been generated or discovered after the date of the original response to the Request for Production in the KRPC litigation. If any party wants a Request for Production updated with newly discovered or generated documents, it would need to propound the Request for Production again in this litigation.

c. The number of interrogatories or other discovery requests propounded in the KRPC litigation will not be included in the total number of discovery requests allowed to each party in this suit.

2. Subject to the limitations in paragraph 1, the following prior discovery by KRPC of Teck Cominco is deemed discovery propounded and produced in this case: Request for Admission Nos. 1-10, 15-20, 26-33, 37-38, 40, 42-49, 54-61, 63-65,88, 89-106, 108-113, 200-219, 221-222; Request for Production Nos. 1-122, 124, 128, 131 and 134-135.

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3. Subject to the limitations in paragraph 1, the following prior discovery by KRPC of Teck Cominco is deemed discovery propounded and produced in this case, subject to the further limitation that, because these requests for admissions pertain to DMRs that were supplemented or amended after they were originally submitted to EPA, any use of these admissions in any motion or argument to the Court shall include Teck Cominco's full response (i.e. acknowledge that the Discharge Monitoring Report for that month includes the information in the supplemented or amended DMR); Request for Admission Nos. 11-13, 21, 36 and 107.

4. The following prior discovery by KRPC of Teck Cominco is deemed discovery propounded in this case and the attached responses (Attachment "A" to this stipulation) are deemed Teck Cominco's responses to these requests in this case. Request for Admission Nos. 22-25, 34-35, 39, 41, 50-53, 62, 83 and 86.

5. Subject to the limitations in paragraph 1, the following prior discovery by KRPC of Teck Cominco is deemed discovery propounded and produced in this case, subject to the further limitation that the admissions may only be used to show the authenticity of the copy of the document that was admitted and no other inference shall be drawn from the Request for Admission itself or from Teck Cominco's response to it: Request for Admission Nos. 76-82 and 114-199.

6. Subject to the limitations in paragraph 1, the following prior discovery by Teck Cominco of KRPC is deemed discovery propounded and produced in this case, subject to the further stipulation that the plaintiffs in this litigation adopt KRPC's responses as their own: Request for Admission Nos. 3 and 12-105; Requests for Production Nos. 7, 10-69.

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IT IS SO STIPULATED:

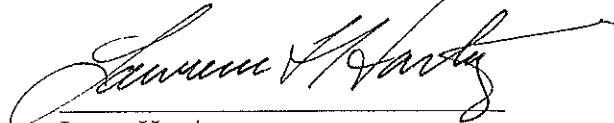
June __, 2005

CENTER ON RACE, POVERTY
& THE ENVIRONMENT

Luke W. Cole
Attorneys for Plaintiffs Enoch Adams et al.

June 10, 2005

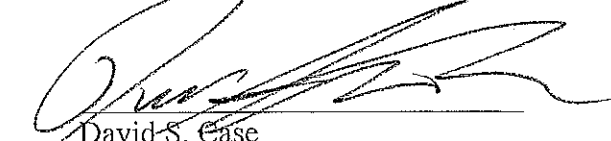
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June 14, 2005

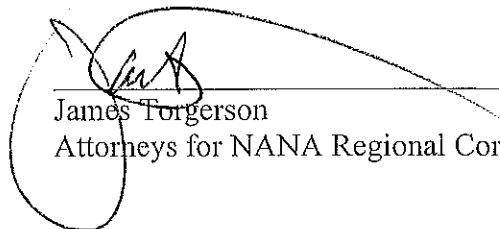
LANDYE BENNETT BLUMSTEIN LLP



David S. Case
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June 17, 2005

HELLER EHRMAN WHITE & MCAULIFFE LLP



James Torgerson
Attorneys for NANA Regional Corporation

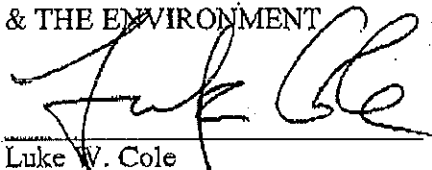
GOOD CAUSE APPEARING THEREFORE, IT IS SO ORDERED.

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JUDGE OF THE DISTRICT COURT

June 8, 2005

CENTER ON RACE, POVERTY
& THE ENVIRONMENT



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GOOD CAUSE APPEARING THEREFORE, IT IS SO ORDERED.

JUDGE OF THE DISTRICT COURT

STIPULATION ON WRITTEN DISCOVERY

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CERTIFICATE OF SERVICE

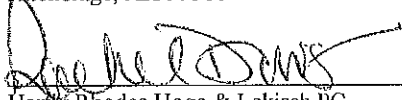
I hereby certify that on the 7th day of June, 2005, a true and correct copy of the foregoing was served, via First Class Mail, on the below identified parties of record:

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STIPULATION
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